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10 *MGM Resorts International*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 MGM RESORTS INTERNATIONAL, a
14 Delaware corporation,

15 Plaintiff,

16 vs.

17 M LIFE, INC., a Nevada corporation;
18 M'LIFE WELLNESS, LLC, a Nevada limited
liability company; M'LIFE NEVADA, LLC, a
19 Nevada limited liability company; DANIEL
LUTZ, an individual; and DARVIN GOMEZ,
an individual,

20 Defendants.
21

Case No.: 2:14-cv-01510-JAD-CWH

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR ALL
DEFENDANTS TO ANSWER OR
OTHERWISE RESPOND TO THE
COMPLAINT**

(Fifth Request)

22 Plaintiff MGM Resorts International ("Plaintiff" or "MGM"), on the one hand, and
23 Defendants M Life, Inc., M'Life Wellness, LLC, M'Life Nevada, LLC, Daniel Lutz, and Darwin
24 Gomez (together, the "Defendants"), on the other hand, state the following:

- 25 1. The Complaint was filed on September 17, 2014. (Doc. No. 1);
- 26 2. Defendants M Life, Inc., M'Life Wellness, LLC, M'Life Nevada, LLC were each
27 served with the Summons and Complaint on September 19, 2014 (Doc Nos. 5, 6, & 7);
- 28 3. Defendant Darwin Gomez was served with the Summons and Complaint on

1 September 24, 2014;

2 4. Defendant Daniel Lutz accepted service of the Summons and Complaint effective
3 October 10, 2014 (Dkt. No. 9);

4 5. To accommodate settlement discussions, streamline the case, and conserve
5 resources, the parties agreed that each of the Defendants would have until November 10, 2014, to
6 file and serve their respective answer or other response to the Complaint (Dkt. No. 9.) (The “First
7 Request”). The Court granted the request. (Dkt. No. 10.)

8 6. Again, to accommodate settlement discussions, streamline the case, and conserve
9 resources, on November 10, 2014, the parties, agreed to extend the time for the Defendants to file
10 and serve their answer or other response to the Complaint from November 10, 2014 to November
11 24, 2014. (Dkt. No. 19) (the “Second Request”). The Court granted the request (Dkt. No. 22.)

12 7. Again, to accommodate settlement discussions, streamline the case, and conserve
13 resources, on November 24, 2014, the parties, agreed to extend the time for the Defendants to file
14 and serve their answer or other response to the Complaint from November 24, 2014, to December
15 15, 2014. (Dkt. No. 21) (the “Third Request”). The Court granted the request (Dkt. No. 24.)

16 8. Again, to accommodate settlement discussions, streamline the case, and conserve
17 resources, on December 15, 2014, the parties, agreed to extend the time for the Defendants to file
18 and serve their answer or other response to the Complaint from December 15, 2014 to January 9,
19 2015. (Dkt. No. 27) (the “Fourth Request”).

20 9. To date, however, the Court has not ruled on the Fourth Request. Not having
21 received a ruling from the Court, Defendants’ counsel did not calendar January 9, 2015, as the date
22 for the Defendants to answer or otherwise respond to the Complaint. As a result of the calendaring
23 error, Defendants did not file an answer or other response to the Complaint on January 9, 2015.
24 The parties agree and stipulate that this calendaring error was inadvertent and constitutes
25 excusable neglect.

26 10. The parties continue to be engaged in meaningful settlement discussions which will
27 result in the dismissal of this action. Those discussions have resulted in an agreement in principal
28 and a first draft of a written settlement agreement that the parties’ counsel are working to finalize;

11. In light of the parties' ongoing efforts to draft, finalize, obtain approval of, and execute a final written settlement agreement, and, in-part, to accommodate the schedules of the parties and their counsel in light of the holidays, the parties request, and submit that good cause exists to extend the date for all Defendants to file and serve their respective answer or other response to the Complaint from January 9, 2015 to February 9, 2015.

IT IS SO AGREED AND STIPULATED:

LEWIS ROCA ROTHGERBER LLP

HUTCHISON & STEFFEN

By: /s/ Jonathan W. Fountain
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By: /s/ Erin L. Truman
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*Attorneys for Plaintiff
MGM Resorts International*

*Attorneys for Defendants
M Life, Inc., M'Life Wellness, LLC,
M'Life Nevada, LLC, Daniel Lutz,
and Darvin Gomez*

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: January 22, 2015

3993 Howard Hughes Parkway
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Las Vegas, NV 89169-5996

LEWIS ROCA
ROTHGERBER

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2015, I filed a copy of the foregoing document entitled, **STIPULATION AND ORDER FOR EXTENSION OF TIME FOR ALL DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT (Fifth Request)**, with the Clerk of the Court via the Court's CM/ECF system, and served a true and accurate copy of the same via First Class U.S. Mail upon the following:

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*Attorneys for Defendants
M Life, Inc., M'Life Wellness, LLC,
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Dated: this 20th day of January, 2015.

/s/ Jonathan W. Fountain
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